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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: Cathode Ray Tube (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC

MDL No. 1917

This Document Relates To Individual Case No.
3:12-cv-02648-SC

P.C. RICHARD & SON LONG ISLAND
CORPORATION, *et al.*,

Plaintiffs,

vs.

HITACHI, LTD., *et al.*,

Defendants.

**DANIEL SCHUH DECLARATION IN
SUPPORT OF DIRECT ACTION
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT BASED UPON
PLAINTIFFS' PURPORTED FAILURE
TO DISTINGUISH BETWEEN
ACTIONABLE AND NON-ACTIONABLE
DAMAGES UNDER THE FTAIA**

Judge: Hon. Samuel P. Conti
Court: Courtroom 1, 17th Floor
Date: February 6, 2015
Time: 10:00 a.m.

I, Daniel Schuh, hereby declare as follows:

1. I am currently a buyer in the Merchandising Department at ABC Appliance, Inc.
d/b/a ABC Warehouse ("ABC Warehouse"). I make this declaration based on my personal

1 knowledge.

2 2. I gave corporate representative testimony on behalf of ABC Warehouse in this
3 action, and testified on ABC Warehouse's behalf as to its practices for purchasing and acquiring
4 CRT Products during the Relevant Period of 1995 through 2007.

5 3. During the Relevant Period, ABC Warehouse made its purchases of CRT
6 Products exclusively from locations in the United States, as reflected at page 143 of ABC
7 Warehouse's corporate representative deposition testimony, a true and correct copy of which is
8 attached hereto as Exhibit 1.

9 4. During the Relevant Period, ABC Warehouse purchased CRT Products
10 exclusively from vendors which were within the United States, as reflected at page 160 of ABC
11 Warehouse's corporate representative testimony, a true and correct copy of which is attached
12 hereto as Exhibit 2.

13 5. During the Relevant Period, ABC Warehouse purchased CRT Products directly
14 from Defendants, co-conspirators and their affiliates, all of which were located in the United
15 States, as reflected in the purchase data ABC Warehouse produced in this litigation.

16 6. ABC Warehouse's vendors, including Defendants, co-conspirators and their
17 affiliates, shipped these CRT Products to ABC Warehouse's locations in the United States, as
18 reflected at page 109 of ABC Warehouse's corporate representative testimony, a true and
19 correct copy of which is attached hereto as Exhibit 3.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed this 18th day of December, 2014, at ABC Warehouse HQ in Pontiac, Michigan.

22
23 By: 

24 Daniel Schuh
25
26
27
28

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)) Case No. 07-5944 SC
ANTITRUST LITIGATION,) MDL NO. 1917
)
This Document Relates to:)
)
ALL ACTIONS)
)

The Videotaped Deposition of DANIEL SCHUH,
Taken at 2550 Telegraph Road,
Bloomfield Hills, Michigan,
Commencing at 9:05 a.m.,
Friday, August 23, 2013,
Before Leisa M. Pastor, CSR-3500, RPR, CRR.

1 BY MR. FOSTER:

2 Q. Toshiba of America?

3 A. You know, Toshiba here in America.

4 Q. Okay. Do you know where -- did you -- did you
5 negotiate with a Toshiba employee directly?

6 A. I did.

7 Q. Okay. Where was -- well, where did those negotiations
8 take place?

9 MR. TIETJEN: Object to the form.

10 A. At our headquarters in Pontiac --

11 BY MR. FOSTER:

12 Q. Okay.

13 A. -- division.

14 Q. Anywhere else?

15 A. Final pricing, you mean?

16 Q. Any -- any -- any terms of sale.

17 A. Generally, no. Generally, everything was always
18 finalized at our headquarters.

19 Q. Did you ever travel to the Toshiba's CRT manufacturer
20 to -- just for anything?

21 MR. TIETJEN: Object to the form.

22 A. I have.

23 BY MR. FOSTER:

24 Q. And where did you go?

25 A. New Jersey.

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

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1 Q. So you mentioned CES; did you go to CES every year?

2 A. Pretty much.

3 Q. And at the CES, did you meet with -- you would
4 sometimes meet with your vendors?

5 A. I would.

6 Q. Okay. Did you ever have any NATM meetings at the CES
7 or as a part of the CES?

8 MR. TIETJEN: Object to the form.

9 A. We do.

10 BY MR. FOSTER:

11 Q. Okay. Did you ever negotiate with a CRT finished
12 product manufacturer that was located outside the
13 United States?

14 MR. TIETJEN: Object to the form.

15 A. Did I visit a CRT -- say that again.

16 BY MR. FOSTER:

17 Q. Did you ever negotiate with someone from a CRT
18 manufacturer -- finished product manufacturer that was
19 located outside the United States?

20 A. Not -- not to my knowledge.

21 Q. Okay.

22 MR. FOSTER: It's almost 1:00, so I guess
23 we can --

24 MR. TIETJEN: If -- are you --

25 MR. FOSTER: No, I'm at a good stop --

Exhibit 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

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1 Q. Okay. On the next page, sir, near the bottom, it
2 mentions warehouse. Do you see that?

3 A. I do.

4 Q. It -- does ABC Warehouse have a single warehouse for
5 all of its products?

6 A. Well, we did during this time.

7 Q. Okay. Did you -- was that the case from March 1st,
8 1995 through November 25th, 2007?

9 A. The single -- yep, single ship to warehouse.

10 Q. Single ship to, okay. And so all -- would it be fair
11 to say that all products purchased -- strike that all
12 CRT finished products purchased by ABC Warehouse would
13 be shipped to this -- to this warehouse?

14 MR. TIETJEN: Object to the form.

15 A. Again, generally yes, all products would be shipped
16 there.

17 BY MR. FOSTER:

18 Q. Okay. And then they would be shipped from there out
19 to the different brick and mortar stores --

20 A. Correct.

21 Q. -- right? Or to -- delivered to people after an
22 online purchase, something like that?

23 A. Correct.

24 Q. Okay. At the bottom of that page, there's the ABC
25 Warehouse logo, and there's a little sign that says